

77



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/932,371      | 08/17/2001  | Thomas Mazzone       | 11323.0007          | 4863             |

7590 06/03/2005  
R. Kent Roberts  
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EXAMINER

BELL, MELTIN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2129

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Interview Summary**

Application No.

09/932,371

Applicant(s)

MAZZONE, THOMAS

Examiner

Meltin Bell

Art Unit

2121

All participants (applicant, applicant's representative, PTO personnel):

(1) Meltin Bell, USPTO.

(3) Kent Roberts, Attorney.

(2) Anthony Knight, USPTO.

(4) Thomas Mazzone, Inventor.

Date of Interview: 27 May-03 Jun 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Feinberg USPN 6,082,776, Hagland "Smart Cards Knock at Healthcare's Door", USPN 6,278,999, Coli et al USPN 6,018,713 and Van Dyke et al USPN 6,412,070.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The 5/27/05 personal interview between Mr. Roberts, Mr. Mazzone, Mr. Knight and Mr. Bell started with a discussion of claim 1's first full paragraph on page 3 of the Office Action mailed 2/3/05 with 7 citations to Feinberg:

- 1) Fig. 2, item 100 - This citation was identified as teaching the 'database' element of the applicant's invention;
- 2) Fig. 6. - This citation was identified as teaching the 'non-patient user of the system' (aka provider) element of the applicant's invention;
- 3) Fig. 11B, item 530 - This citation was identified as teaching the 'password' element of the applicant's invention;
- 4) column 2, lines 50-56 - This citation was identified as teaching the 'description relating to a patient and an associated pair, the associated pair comprising an associated access code, which is associated with the patient, and an associated password' elements of the applicant's invention where the patient ID is the 'associated access code', the pin is the 'password' and the patient's medical information/records on remote computer databases is the 'database of health information descriptions, each description relating to a patient';
- 5) column 7, lines 15-19 - This citation was identified as teaching the 'health information descriptions' and 'non-patient user of the system' elements of the applicant's invention where the medical services provider is a non-patient user of the system and the patient's personal medical summary is a health information descriptions;
- 6) column 7, lines 47-59 - This citation was identified as teaching the 'health information descriptions' and 'non-patient user of the system' elements of the applicant's invention where the medical services provider, physician and person authorized by a physician are the non-patient users of the system and personal medical information, diagnoses, procedures and medications are the patient's health information descriptions;
- 7) column 21, lines 7-11 - This citation was identified as teaching the password element of applicant's invention.

Clean copies of IDSs were received and the quote by Madavi in the right column of page 78 in Hagland was identified as supporting the smart card and biometrics elements of applicant's invention.

Mr. Roberts and Mr. Mazzone next tried to distinguish their invention from the functionality provided with an ATM card by associating the password ONLY with the medical doctor (aka 'non-patient user of the system') instead of the patient while the access code is ONLY associated with the patient instead of the medical doctor. Other embodiments presented include: a patient with an access code on a card and a password as well as a medical doctor with an access code on a card and a password. In this last embodiment, access to the patient's information would only be granted 1) to the patient when he entered his card and password OR 2) to the doctor when he entered his card, password and the patient's card.

The 5/27/05 personal interview concluded with Mr. Knight and Mr. Bell proposing amending the claims to better communicate the invention.

In 6/2-3/05 telephonic interviews between Mr. Roberts and Mr. Bell, amending the claims was presented as a challenge in view of Knapp, Coli et al and Van Dyke et al. Mr. Roberts noted the prior art and accepted the task of amending the claims in light thereof.